

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

MIKE DAVIS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:19-00686-CV-RK
)	
FISERV, INC., FIRST DATA)	
CORPORATION, CARDCONNECT,)	
CORP., CARDCONNECT, LLC, RENNY)	
PALUMBO,)	
)	
Defendants.)	

ORDER

Stephen B. Small is listed as counsel of record for Plaintiff Mike Davis. According to the docket sheet, however, Mr. Small is currently suspended from the practice of law before this Court.

Consequently, Plaintiff may either: (1) retain new counsel that is in good standing and licensed to practice law before this Court; or (2) proceed pro se. Plaintiff is hereby ordered to inform the Court by October 14, 2019 whether he will proceed with new counsel or pro se. Absent further order of this Court, Mr. Small is precluded from representing Plaintiff in this case. No deadlines are stayed or otherwise affected by this Order, including the deadline to file a response to Defendants' Motion to Dismiss for Failure to State a Claim (Doc. 6) nor the deadline to file a proposed scheduling order.

Defendants' Motion to Dismiss (Doc. 6) was filed on September 5, 2019. The deadline to file a response was September 19, 2019. The time to file a response has now passed. Local Rule 7.0(c)(2). Plaintiff has not filed suggestions in opposition. The Court hereby directs Plaintiff to show cause as to why the case should not be dismissed by October 24, 2019. Failure to timely respond to this Order may result in the Court treating the motion to dismiss as unopposed or dismissing the case for failure to prosecute under Federal Rule of Civil Procedure 41(b) without further notice.

Therefore, Plaintiff has until October 14, 2019, to inform the Court whether he will proceed with new counsel or pro se. Plaintiff further has until October 24, 2019, to show cause why this

case should not be dismissed. The Court directs the Clerk of Court to mail a copy of this Order to Plaintiff Mike Davis via regular mail.

IT IS SO ORDERED.

s/ Roseann A. Ketchmark
ROSEANN A. KETCHMARK, JUDGE
UNITED STATES DISTRICT COURT

DATED: September 24, 2019